

(2026) 03 DEL CK 0467

In the Delhi High Court

Case No : Bail Application No. 1366 Of 2024 & Criminal Miscellaneous
Application (BAIL) No. 653 Of 2024

Gulab

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 11-03-2026

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302, 307
Arms Act, 1959 — Section 25, 27, 54, 59

Citation : (2026) 03 DEL CK 0467

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Atul Bandhu, Karan Ahuja, Saurabh Agarwal, Sanjeev Sabharwal,
Rakesh Kumar, Amit Singh Chauhan, Kuldeep Kasana, Ahmad Kamaal

Final Decision : Dismissed

Judgement

Girish Kathpalia, J

1. The accused/applicant seeks regular bail during the pendency of trial in case FIR No. 400/2020 of PS Shahbad Dairy for offence under Section 302/307/34 IPC and 25/27/54/59 Arms Act.

2. In the first call today, none appeared for accused/applicant so the matter was passed over keeping in mind its old pendency. This matter was heard for the first time on 23.04.2024 by the predecessor bench and thereafter, it remained pending before different benches. Finally, along with 179 similar old pending bail applications, it was transferred to this bench and today is the first hearing before me.

3. In this second call, I have heard learned counsel for accused/applicant and learned APP for State assisted by IO/Inspector Rakesh Kumar. I have also heard learned counsel for complainant de facto.

4. Broadly speaking, circumstances relevant for present purposes are as follows.

The FIR was registered on the basis of statement of injured, who stated that on the ill fated night, at about 11:50 pm, the accused/applicant and co-accused Amit @ Mitta apprehended Abhishek, cousin of the injured complainant de facto. The accused/applicant was carrying a country made pistol while Amit was carrying a knife. In the presence of the injured, the accused/applicant fired a shot at Abhishek and co-accused Amit @ Mitta inflicted knife blows. When the injured tried to save himself by running away, the accused/applicant fired a shot which hit his shoulder. On being taken to hospital, Abhishek was declared dead. The injured complainant de facto was administered medical treatment in the hospital.

5. In the above backdrop, learned counsel for accused/applicant contends that since trial is going on slow pace, he deserves to be released on bail. It is also contended that co-accused Ajay, who exhorted the remaining two accused persons, has been granted bail, so the accused/applicant deserves same relief. Learned counsel for accused/applicant has also shown me copies of the ordersheets of the trial court in support of his contention of slow trial. It is submitted by learned counsel that the accused/applicant is in jail for past five and half years.

6. On the other hand, learned APP and learned counsel for complainant de facto strongly oppose the bail application in view of severity of offence and apprehension that if released on bail, the accused/applicant would threaten the eyewitness/injured who is yet to be examined in trial. As regards the time so far spent by the accused/applicant in jail, it is submitted that the offence alleged against him is punishable with death. Learned APP has also referred to the Nominal Rolls reflecting serious charges against the accused/applicant in jail.

7. As regards the contention of slow pace trial, having examined the ordersheets of the learned trial court, I am unable to agree with the submission of learned counsel for accused/applicant. Rather, it appears that the accused/applicant flooded the trial court with multiple applications including application for transfer of jail. Not only this, despite pendency of the present bail application, the accused/applicant filed an interim bail application also before the trial court, which was dismissed after hearing. From ordersheets of the trial court, it does not appear that trial is not being diligently conducted.

8. Apart from delay in trial, no other ground to seek bail has been raised.

9. Considering the above circumstances, especially gravity of offence where one person was shot dead and the other was shot at, I do not find it a fit case to grant bail. Therefore, the bail application and the accompanying application are dismissed.

10. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant.